

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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TIMOTHY RANDELL,

Plaintiff,

v.

LUKE PRENGAMAN, *et al.*,

Defendants.

Case No. 3:20-cv-00561-MMD-CLB

ORDER

*Pro se* Plaintiff Timothy Randell brings this action under 42 U.S.C. § 1983. Before the Court is the Report and Recommendation (“R&R” or “Recommendation”) of United States Magistrate Judge Carla L. Baldwin (ECF No. 4), recommending the Court dismiss this case without prejudice because Plaintiff has neither paid the filing fee nor completed an application to proceed *in forma pauperis* (“IFP Application”), despite being warned that he must, or face dismissal of his case. Plaintiff had until December 28, 2020 to file an objection. (*Id.*) To date, no objection to the R&R has been filed. For this reason, and as explained below, the Court adopts the R&R, and will dismiss this case without prejudice.

The Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where a party fails to object to a magistrate judge’s recommendation, the Court is not required to conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985); *see also United States v. Reyna-Tapia*, 328 F.3d 1114, 1116 (9th Cir. 2003) (“De novo review of the magistrate judges’ findings and recommendations is required if, but *only* if, one or both parties file objections to the findings and recommendations.”) (emphasis in original); Fed. R. Civ. P. 72, Advisory Committee Notes (1983) (providing that the Court “need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”).

1 Because there is no objection, the Court need not conduct de novo review, and is  
2 satisfied Judge Baldwin did not clearly err. Here, as noted, Judge Baldwin recommends  
3 the Court dismiss this case without prejudice because Plaintiff has neither paid the filing  
4 fee nor completed an IFP Application, despite being warned that he must, or face  
5 dismissal of his case. (ECF No. 4.) The Court agrees with Judge Baldwin. Having  
6 reviewed the R&R and the record in this case, the Court will adopt the R&R in full.

7 It is therefore ordered that Judge Baldwin's Report and Recommendation (ECF  
8 No. 4) is accepted and adopted in full.

9 It is further ordered that this case is dismissed, in its entirety, without prejudice.

10 The Clerk of Court is directed to enter judgment accordingly and close this case.

11 DATED THIS 4<sup>th</sup> Day of January 2021.

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14 MIRANDA M. DU  
15 CHIEF UNITED STATES DISTRICT JUDGE  
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